

Remarks

Claims 2, 4-6, 12, 14-16, 18, 20-21, 23-25, 39-54, 61, 63, and 65 were previously pending and are currently under consideration by the Examiner in this Application. Claims 1, 3, 7-11, 13, 17, 19, 22, 29-38, 55-60, 67, and 68 were previously canceled. Claims 26-28, 62, 64, and 66 are withdrawn from consideration by the Examiner at this time. Claims 2, 4-6, 14, 15, 27, 39, 40, and 51 are currently amended. Support for the addition of “cycloalkyl” to claims 2, 4, and 6 can be found on page 56, lines 22-24, of the international PCT application PCT/US2004/043447 as originally filed. Claim 27 is amended to correct a typographical error. Support can be found in claim 27 from the PCT application as originally filed. Applicant submits that no new matter has been added to the Application by this Amendment.

Each of the rejections levied by the Examiner is addressed in turn below.

Restriction/Election

Claims 2, 4-6, 12, 14-16, 18, 20-21, 23-25, 39-54, 61, 63, and 65 have been rejected by the Examiner because the pending claims are not drawn to elected Group I. Applicant has amended the claims accordingly and respectfully requests removal of this objection.

Double Patenting Rejection

Claims 2, 4-6, 12, 14-16, 18, 20-21, 23-25, 39-54, 61, 63, and 65 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent 7,091,214, in view of U.S. Patent 6,525,064, WO2005/076783, WO 2005/051324, and WO 2005/051317. Applicant wishes to defer commenting on this rejection at this time.

Claims 2, 4-6, 12, 14-16, 18, 20-21, 23-25, 39-54, 61, 63, and 65 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending U.S. application, U.S.S.N. 11/275,553. Applicant wishes to defer commenting on this rejection until the claims of the present Application have been allowed.

Please charge any unpaid fees associated with this Response, or credit any overpayments, to our Deposit Account No. 23/2825, under Docket No. C1041.70045US03, from which the undersigned is authorized to draw.

Dated: April 9, 2010

Respectfully submitted,

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